

RESOURCE LIMITS

Most assets (such as bank accounts, stocks, bonds, etc.) are considered as joint assets between a husband and wife under the Spousal Impoverishment Protection Law. It does not matter in whose name they are placed.

The spouse at home is entitled to keep at least half of all countable assets, within the following guidelines:

MINIMUM: at least \$23,184 in 2013

MAXIMUM: up to \$115,920 in 2013

CAUTION!

Persons who give away or transfer assets in order to get Medicaid help may end up waiting longer before Medicaid will help.

ASSESSMENT OF RESOURCES

The Department of Health and Human Services will complete an assessment form to find out the total value of the couple's combined finances during the month of admission to the nursing home.

This assessment will help decide the amount of assets the spouse at home may keep. One must be able to show proof of assets owned.

The spouse at home should contact AccessNebraska at 800-383-4278 to fill out the assessment form.

NEBRASKA



SENIOR HEALTH INSURANCE INFORMATION PROGRAM

Nebraska Department of Insurance
941 O Street, Suite 400
P.O. Box 82089
Lincoln, NE 68501

Phone: (800) 234-7119
TTY: (800) 833-7352
www.doi.ne.gov/shiip
DOI.SHIIP@nebraska.gov

**For additional information, contact
AccessNebraska at 800-383-4278 or
online at accessnebraska.ne.gov**



This publication has been created and produced by the Nebraska Department of Insurance SHIIP with financial assistance through a grant from the Centers for Medicare & Medicaid Services, the Federal Medicare agency.

OUT95079

Revised 2/13

NEBRASKA



SENIOR HEALTH INSURANCE
INFORMATION PROGRAM

Spousal Impoverishment Protection Law



***A description of the
law that helps
protect your financial
resources***

2013

Q: If my spouse was not able to live at home anymore, would we have to spend all of our resources to pay for long-term care?

A: No, the Spousal Impoverishment Protection Law provides income protection.

SPOUSAL IMPOVERISHMENT PROTECTION LAW (1989)

This federal law protects spouses of nursing home residents from losing all of their income and assets to pay for the nursing home spouse's care.

A couple's assets and income will be divided according to the Spousal Impoverishment Protection Law.

INCOME GUIDELINES

Under the Spousal Impoverishment Protection Law, the spouse who remains at home retains his/her personal income. This includes Social Security, pensions, interests, dividends, etc.

The spouse in the nursing home will be required to use his/her income to pay for his/her care, except for a personal allowance of \$50 per month (\$90 per month for veterans).

After the income has been split, if the spouse at home gets less than **\$1,891.25 every month**, he/she may keep part of the nursing home spouse's income, giving the spouse at home at least a monthly income of **\$1,891.25**.

If the spouse at home has to pay high rent, mortgage or utilities, he/she may be able to keep more of the nursing home spouse's income.

MEDICAID

Medicaid is a government insurance program that helps people with limited incomes and resources. To qualify for Medicaid help for long-term care, the assets of an individual must be at \$4,000 or less. Medicaid is administered by the Nebraska Department of Health and Human Services.

JUNE AND WARD

June is unable to take care of Ward at home anymore, and he is admitted to a local nursing home. Due to the Spousal Impoverishment Protection Act, June would not have to spend all their money before the state would help pay for Ward's care.

June will keep all of her income. If her income is less than **\$1,891.25 each month**, she could keep part of Ward's income.

Checks made out in Ward's name would be considered his and would go to the nursing home to pay for his care, unless a portion is needed for June. Ward may have \$50 from his income each month as his allowance for personal needs. Ward will also continue to pay his Medicare supplement insurance premium with his income.



Always check with AccessNebraska (through the Nebraska Department of Health and Human Services) to determine eligibility. This information is provided for your guidance only.